

REMARKS**I. INTRODUCTION**

The Specification has been amended. Claims 19, 21, 22, 25, 26, 28, 29 and 34-36 have been amended. Claim 37 has been added. Thus, claims 19-37 are now pending in the present application. No new matter has been added. Applicant wishes to thank the Examiner for the indication that claims 26, 28, 31 and 32 include allowable subject matter. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE CLAIM OBJECTIONS SHOULD BE WITHDRAWN

Claims 26 and 28 were objected to because of informalities contained therein. Claims 26 and 28 have been amended to overcome the Examiner's objections, and, thus, it is requested that these objections be withdrawn.

III. THE CLAIM REJECTIONS UNDER § 112 SHOULD BE WITHDRAWN

Claims 19-36 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Amendments to claims 19, 22, 25, 26, 29 and 34-36 have been made to overcome the rejections.

However, Applicant respectfully disagrees with some of the rejections, in that one of ordinary skill in the art would understand that which is regarded as the subject matter of the present invention. In particular, the Examiner states that claim 19 is unclear as to whether the receiving positions are present in the apparatus. As recited in claim 19, the receiving positions are defined by the cyclical path of the at most two whips. That is, the receiving position is a location in which the at most two whips interact with either the comb or brush. In another instance, the Examiner states that claim 24 is unclear, because the whip is being further defined as being flexible. One of ordinary skill in the art would understand that the whip may be rigid, flexible (i.e., retaining some rigidity) or loose (i.e., without rigidity). Thus, Applicant has recited

the whip as being flexible. In yet a further instance, the Examiner has rejected claim 27, because the structural relationship between the hubs and the shaft is unclear. However, one of ordinary skill in the art would need only to view any of the Figures in the present application which include the hubs 7 and the related description. (See, e.g., Specification, Fig. 5 and pg. 7, lines 27-29). In still a further instance, the Examiner has rejected claim 32 because the purpose of "a safety switch" is purportedly unclear. As disclosed in the Specification, the safety switch is for the safety of a user of the apparatus and to prevent accidental operation thereof. (See Specification, p. 10, lines 10-18). In view of the amendments to the claims and the above remarks, Applicant respectfully requests that the Examiner withdraw the rejections of claims 19-36 under 35 U.S.C. § 112, second paragraph.

IV. THE CLAIM REJECTIONS UNDER § 102 SHOULD BE WITHDRAWN

Claims 19, 20, 25, 29 and 35 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,805,318 to Marquette. (See 8/10/04 Office Action, p. 4).

Claim 19 recites an apparatus for removing hair from one of teeth of a comb and bristles of a brush comprising "a first rotating shaft" and "*at most two whips extending from the first rotating shaft for cyclically passing through one of a comb receiving position and a brush receiving position*" in combination with "a suction arrangement generating an air stream in proximity to one of the comb receiving position and the brush receiving position, the air stream sucking the hair from the one of the teeth of the comb and the bristles of the brush" and "wherein a first whip of the at most two whips is spaced from a second whip of the at most two whips by a predetermined distance so that, during use of the apparatus, the first whip does not interfere with the second whip, the first and second whips acting on one of the comb and the brush individually."

In contrast, Marquette describes a brush cleaning apparatus consisting of a brush roller 46 with "relatively stiff bristles 50 extending longitudinally outward therefrom." (See Marquette, col. 2, lines 42-46). The Examiner has equated the whip of the present invention with a single

bristle 50 of Marquette. (See 8/10/04 Office Action, p. 4). As shown in Fig. 3 of Marquette, a multiplicity of the bristles 50 extend radially from and along an entire longitudinal axis of the brush roller 46. Furthermore, the bristles 50 are disposed on all sides of the brush roller 46, except those portions occupied by blades 92 and 94. Thus, it is respectfully submitted that Marquette neither discloses nor suggests “at most two whips extending from the first rotating shaft for cyclically passing through one of a comb receiving position and a brush receiving position,” as recited in claim 19.

Accordingly, Applicant respectfully requests the rejection of claim 19 under 35 U.S.C. § 102(b) be withdrawn. Because claims 20, 25, 29 and 35 depend from, and, therefore include all of the limitations of claim 19, it is respectfully submitted that these claims are allowable for the same reasons as stated above.

Claim 37 recites an apparatus for removing hair from one of teeth of a comb and bristles of a brush comprising “a first rotating shaft” and “*a plurality of whips extending from only one of an end and an area adjacent the end of the first rotating shaft for cyclically passing through one of a comb receiving position and a brush receiving position*” in combination with “a suction arrangement generating an air stream in proximity to one of the comb receiving position and the brush receiving position, the air stream sucking the hair from the one of the teeth of the comb and the bristles of the brush” and “wherein a first whip of the plurality of whips is spaced from a second whip of the plurality of whips by a predetermined distance so that, during use of the apparatus, the first whip does not interfere with the second whip, the first and second whips acting on one of the comb and the brush individually.”

Applicants respectfully submit that Marquette neither discloses nor suggests “a plurality of whips extending from only one of an end and an area adjacent the end of the first rotation shaft for cyclically passing through one of a comb receiving position and a brush receiving position,” as recited in claim 37.

V. THE CLAIM REJECTIONS UNDER § 103 SHOULD BE WITHDRAWN

Claims 21-23, 30 and 36 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Marquette in view of U.S. Patent No. 3,348,253 to McCoy. (See 8/10/04 Office Action, p. 5).

McCoy describes a similar device as that of Marquette, in that the device 20 consists of brush shafts 76 and 78 including tines 80 (e.g., wires or bristles) extending radially therefrom. (See McCoy, col. 2, lines 5-9). As seen in Fig. 1, McCoy depicts and describes a multiplicity of tines 80 disposed on the brush shafts 76 and 78. Thus, McCoy does not cure the above-described deficiencies of Marquette. That is, McCoy neither discloses nor suggests "at most two whips extending from the first rotating shaft for cyclically passing through one of a comb receiving position and a brush receiving position," as recited in claim 19. Because claims 21-23, 30 and 36 depend from, and, therefore include all of the limitations of claim 19, it is respectfully submitted that these claims are allowable for the reasons stated above.

Claims 24 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Marquette in view of U.S. Patent No. 4,403,364 to Schroeder. (See 8/10/04 Office Action, p. 6).

Schroeder discloses an apparatus for removing hair from a brush consisting of a rotary cleaning member 30 including a plurality of flat strips 88 extending radially therefrom. (See Schroeder, col. 4, lines 55-67). Therefore, it is respectfully submitted that Schroeder does not cure the above-described deficiencies of Marquette, in that Schroeder does not disclose or suggest "at most two whips extending from the first rotating shaft for cyclically passing through one of a comb receiving position and a brush receiving position," as recited in claim 19. Because claim 24 depends from, and, therefore includes all of the limitations of claim 19, it is respectfully submitted that this claim is allowable for the reasons stated above.

Claims 33 and 34 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Marquette. (See 8/10/04 Office Action, p. 6).

The deficiencies of Marquette have been described above. Because claims 33 and 34 depend from, and, therefore include all of the limitations of claim 19, it is respectfully submitted that these claims are allowable for the reasons stated above.

Claims 19, 25 and 35 have been rejected under 35 U.S.C. § 103(a) as unpatentable over reference NL9300585. (See 8/10/04 Office Action, p. 7).

As the Examiner states, NL9300585 describes a device for removing loose hairs from brushes consisting of "a first rotating shaft, a plurality of whips extending from" a cleaning brush. (See 8/10/04 Office Action, p. 7). Thus, it is respectfully submitted that NL9300585 neither discloses nor suggests "at most two whips extending from the first rotating shaft for cyclically passing through one of a comb receiving position and a brush receiving position," as recited in claim 19. Because claims 25 and 35 depend from, and, therefore include all of the limitations of claim 19, it is respectfully submitted that these claims are allowable for the reasons stated above.

Claims 24 has been rejected under 35 U.S.C. § 103(a) as unpatentable over NL9300585 in view of Schroeder. (See 8/10/04 Office Action, p. 7).

The deficiencies of NL9300585 and Schroeder have been discussed above. Because claim 24 depends from, and, therefore includes all of the limitations of claim 19, it is respectfully submitted that this claim is allowable for the reasons stated above.

Applicant further respectfully submit that neither Marquette nor McCoy nor Schroder nor NL9300585, either alone or in combination, discloses or suggests "a plurality of whips extending from only one of an end and an area adjacent the end of the first rotation shaft for cyclically passing through one of a comb receiving position and a brush receiving position," as recited in claim 37.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

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